

## **Senate Bill No. 322**

### **CHAPTER 47**

An act to amend Section 21752 of the Government Code, relating to retirement.

[Approved by Governor June 29, 2011. Filed with  
Secretary of State July 1, 2011.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

SB 322, Negrete McLeod, Retirement.

The Public Employees' Retirement Law (PERL) provides for the preservation of the purchasing power of benefits through a system of adjustments in benefits based on changes in living costs. Existing law also establishes provisions to ensure the federal tax-exempt status of the system and to preserve the deferred treatment of federal income tax on public employer contributions to public employee pensions. Existing federal law limits the amount a defined benefit plan may pay a participant annually, and requires that this limitation be adjusted annually by regulation to account for increases in the cost of living.

PERL provides that a member's annual retirement benefits, adjusted to the actuarial equivalent of a straight-life annuity if payable in a form other than a straight-life annuity or a qualified joint and survivor annuity, and determined without regard to any employee contributions or rollover contributions, otherwise payable to the member under PERL and under any other defined benefit plan maintained by the employer that is subject to that federal limit, shall not exceed, in the aggregate, the federal dollar limit, as specified.

This bill would prohibit a member who receives benefits based on credited service with multiple employers from exceeding the limitations set forth in those provisions with regard to his or her annual retirement benefits.

*The people of the State of California do enact as follows:*

SECTION 1. Section 21752 of the Government Code is amended to read:

21752. (a) (1) In accordance with Section 21756, a member's annual retirement benefits, adjusted to the actuarial equivalent of a straight-life annuity if payable in a form other than a straight-life annuity or a qualified joint and survivor annuity as provided under Section 21460, and determined without regard to any employee contributions or rollover contributions, as defined in Sections 402(a)(5), 403(a)(4), and 408(d)(3) of Title 26 of the United States Code, otherwise payable to the member under Part 3

(commencing with Section 20000) and under any other defined benefit plan maintained by the employer that is subject to Section 415 of Title 26 of the United States Code, shall not exceed, in the aggregate, the dollar limit applicable pursuant to Section 415(b)(1)(A) of Title 26 of the United States Code, as appropriately modified by Section 415(b)(2)(F) and (G) of Title 26 of the United States Code.

(2) A member who receives benefits based on credited service with multiple employers shall not exceed the limitations set forth in this subdivision with regard to his or her annual retirement benefits.

(3) However, the annual retirement benefit payable to a member shall be deemed not to exceed the limitations prescribed in paragraph (1) if the benefit does not exceed ten thousand dollars (\$10,000) and the member has at no time participated in a tax qualified defined contribution plan maintained by the employer.

(b) These limitations shall be applied pursuant to Section 415(b)(10) of Title 26 of the United States Code.

(c) Part 3 (commencing with Section 20000) shall be construed as if it included this section.